

CLASSIFICATION OFFICE DECISION

Title of publication: vlcsnap-2011-12-18-11h19m18s161.png

Other known title(s): Not stated

OFLC ref: 1300545.017

Medium: Computer Image File

Publisher: Not stated

Country of origin: Not stated

Language: English

Applicant: The District Court At Timaru

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 09 July 2013

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: No notice of decision has been issued

Summary of reasons for decision:

The image on the file is an explicit cartoon drawing of semi-naked female and male figures. The scenario has been considered under s3(2)(a) and s3(3)(b). However, the image has insufficient information to allow the conclusion that the female figure portrayed is a child or young person or that the image depicts sexual coercion or violence. Therefore, it cannot fairly be said that the image file promotes or supports, or tends to promote or support, the exploitation of children or young persons for sexual purposes, or the use of violence or coercion to compel a person to participate in, or submit to, sexual conduct.

In these circumstances a ban would not be reasonable. However, a restriction of the availability of the image file to adult viewers is required. The image file contains an explicit sexual image that is intended for sexual titillation and arousal. There is a likelihood of injury to the public good if the publication is available to children and young persons, who do not have the experience or maturity to deal with explicit sexual fantasies intended for adults.

The classification of the publication limits the freedom of expression as set out in the New

Zealand Bill of Rights Act 1990. However, given the factors outlined, the decision is reasonable, justified and the minimum required to avoid injury to the public good.